

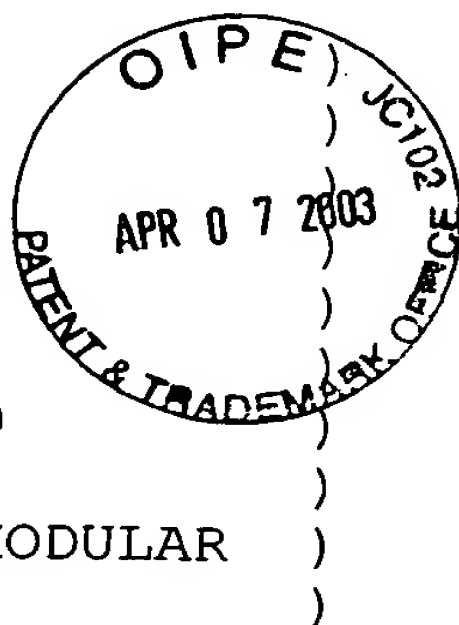
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

LUFFEL, Robert, W., et al.

Serial No. 09/371,708

Filing Date: August 9, 1999

For: LATERALLY EXPANDABLE MODULAR
DATA STORAGE SYSTEM

Examiner: Davis, D.

Group Art Unit: 2652

Conf. No.: 9563

**RESPONSE TO NOTIFICATION OF NON-COMPLIANCE AND
INTERVIEW SUMMARY UNDER 37 C.F.R. §1.133**To: The Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This communication is made in response to the Notification of Non-Compliance, paper no. 14 (or 15, the cover sheet indicates paper no. 14, while the Notification indicates paper no. 15), dated March 20, 2003, and also summarizes a telephone interview with examiner Davis conducted on April 3, 2003.

Applicants note with appreciation the telephonic interview with examiner Davis courteously afforded the undersigned counsel on April 3, 2003, during which was discussed certain issues raised by the Notification of Non-Compliance issued March 20, 2003. More specifically, applicants discussed with the examiner the specific deficiencies involved with item 4, regarding a concise explanation of the invention. Applicants and the examiner reached an agreement that item 4 would be regarded by the examiner as fully complied with if the applicants amended that portion of the summary that does not echo the claims to include references to the drawing figures and specification by page and line number. In response, applicants include herewith an amended Appeal Brief in triplicate that corrects those

deficiencies.

Accordingly, applicants believe that the amended appeal brief filed concurrently herewith corrects the deficiencies noted by the examiner and is now fully compliant with 37 C.F.R. 1.192(c).

Respectfully submitted,

DAHL & OSTERLOTH, L.L.P.

By: 

Bruce E. Dahl

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Date: 4-7-03

EV 175422291 US

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LUFFEL, Robert, W., et al.
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MODULAR DATA STORAGE
SYSTEM
Docket No.: 10980297-1

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) Confirmation No.: 9563
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) Examiner: Davis, D.
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) Group Art Unit: 2652
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Technology Center 2600

Assistant Commissioner for Patents
Washington, DC 20231

Transmittal of Appeal Brief

Sir:

Transmitted herewith is the Appeal Brief (in triplicate) in this application with respect to the Notification of Non-Compliance, Paper No. 14, dated March 20, 2003. Also enclosed is a response to Notification of Non-Compliance and interview summary under 37 CFR §1.133.

The fee for filing this Appeal Brief was previously submitted on May 2, 2002, Deposit Account No. 08-2025 in the amount of \$320.00. No additional fee is required. However, the Commissioner is authorized to charge any additional fee(s) during the pendency of this application to Deposit Account No. 08-2025.

(X) Applicant believes that no extension of time is required.

I hereby certify that this correspondence is being
Deposited with the United States Postal Service as
Express Mail in an envelope addressed to:
Assistant Commissioner for Patents, Box AF,
Washington, DC 20231

Date of Deposit: April 7, 2003

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Typed Name: Bruce E. Dahl, Esq.

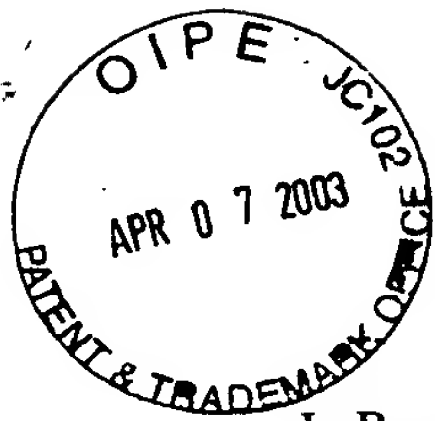
Signature: Bruce E. Dahl

Respectfully submitted,

By: Bruce E. Dahl
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Date: April 7, 2003

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that the attached Transmittal Letter (in duplicate); Response to Notification of Non-Compliance and Interview Summary under 37 CFR Section 1.133 (in triplicate); Appeal Brief (45 pages including Table of Contents, Appendices A and B with 1 reference (in triplicate); and Post cards for return by the United States Patent and Trademark Office, are all being deposited with the United States Postal Service addressed to the Assistant Commissioner for Patents, Box AF, Washington, D.C. 20231, via Express Mail No. EV 175422291 US, on this 7th day of April 2003.

By: Bruce E. Dahl
Bruce E. Dahl, Reg. No. 33,670